

SECOND REGULAR SESSION

**HOUSE BILL NO. 2475**

**94TH GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), LIPKE, YATES, ONDER, DONNELLY,  
COX, JONES (89) AND PRATT (Co-sponsors).

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5574L.01I

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**AN ACT**

To repeal sections 56.805, 56.807, 56.816, and 488.026, RSMo, and to enact in lieu thereof four  
new sections relating to the prosecuting and circuit attorneys' retirement system.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 56.805, 56.807, 56.816, and 488.026, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 56.805, 56.807, 56.816, and  
3 488.026, to read as follows:

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

2 (1) "Annuity", annual payments, made in equal monthly installments, to a retired  
3 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to  
4 56.840;

5 (2) ["Average final compensation", the average compensation of an employee for the two  
6 consecutive years prior to retirement when the employee's compensation was greatest;

7 (3)] "Board of trustees" or "board", the board of trustees established by the provisions  
8 of sections 56.800 to 56.840;

9 [(4)] **(3)** "Compensation", all salary and other compensation payable by a county to an  
10 employee for personal services rendered as an employee, but not including travel and mileage  
11 reimbursement;

12 [(5)] **(4)** "County", the city of St. Louis and each county in the state;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 [(6)] (5) "Creditable service", the sum of both membership service and creditable prior  
14 service;

15 [(7)] (6) "Effective date of the establishment of the system", August 28, 1989;

16 [(8)] (7) "Employee", an elected or appointed prosecuting attorney or circuit attorney  
17 who is employed by a county or a city not within a county;

18 (8) "**Final average salary**", the compensation paid to an employee for the two  
19 consecutive years prior to retirement divided by twenty-four, but not including employer-  
20 paid fringe benefits, employer-paid medical benefits, including dental and vision, for the  
21 employee or for anyone other than the employee, taxable fringe benefits, contributions to  
22 a deferred compensation plan, contributions made on behalf of the county to any employee  
23 benefit plan or trust, consideration for agreeing to terminate employment, or other  
24 nonrecurring or unusual payments that are not part of regular remuneration;

25 (9) "Membership service", service as a prosecuting attorney or circuit attorney after  
26 becoming a member that is creditable in determining the amount of the member's benefits under  
27 this system;

28 (10) "Prior service", service of a member rendered prior to the effective date of the  
29 establishment of the system which is creditable under section 56.823;

30 (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'  
31 retirement system authorized by the provisions of sections 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August  
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2  
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,  
5 each county treasurer shall pay to the system the following amounts to be drawn from the general  
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision  
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and  
10 sixty-seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363  
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and  
15 sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county  
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the

18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting  
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys  
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days  
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'  
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840  
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys  
25 provided for in this section shall be paid from county or city funds and the surcharge established  
26 in this section and collected as provided by this section and sections 488.010 to 488.020, RSMo.

27 5. Beginning August 28, 2003, each county treasurer shall pay to the system the  
28 following amounts to be drawn from the general revenues of the county:

29 (1) For counties of the third and fourth classification except as provided in subdivision  
30 (3) of this subsection, one hundred eighty-seven dollars;

31 (2) For counties of the second classification, two hundred seventy-one dollars;

32 (3) For counties of the first classification, counties which pursuant to section 56.363  
33 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or  
34 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of  
35 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

36 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the  
37 sums specified in subsection 5 of this section to the Missouri office of prosecution services for  
38 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system  
39 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund  
40 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other  
41 purpose.

42 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and  
43 circuit attorneys shall be collected and paid as follows:

44 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases  
45 filed in the courts of this state including violation of any county ordinance or any violation of  
46 criminal or traffic laws of this state, including infractions, **or against any person who pled**  
47 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed  
48 when the costs are waived or are to be paid by the state, county, or municipality or when a  
49 criminal proceeding or the defendant has been dismissed by the court [or against any person who  
50 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385, RSMo]. For  
51 purposes of this section, the term "county ordinance" shall include any ordinance of the city of  
52 St. Louis;

53 (2) The clerk responsible for collecting court costs in criminal cases shall collect and  
54 disburse such amounts as provided by sections 488.010 to 488.026, RSMo. Such funds shall be  
55 payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to  
56 the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the  
57 purposes provided for in sections 56.800 to 56.840 and for no other purpose.

58 8. The board may accept gifts, donations, grants and bequests from private or public  
59 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

60 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840  
61 unless provided for by law.

56.816. 1. The normal annuity of a retired member who served as prosecuting attorney  
2 of a county of the third or fourth class shall, except as provided in subsection 3 of this section,  
3 be equal to:

4 (1) Any member who has served twelve or more years as a prosecuting attorney and who  
5 meets the conditions of retirement at or after the member's normal retirement age shall be entitled  
6 to a normal annuity in a monthly amount equal to one hundred five dollars multiplied by the  
7 number of two-year periods and partial two-year periods served as a prosecuting attorney;

8 (2) Any member who has served twenty or more years as a prosecuting attorney and who  
9 meets the conditions of retirement at or after the member's normal retirement age shall be entitled  
10 to a normal annuity in a monthly amount equal to one hundred thirty dollars multiplied by the  
11 number of two-year periods and partial two-year periods as a prosecuting attorney.

12 2. The normal annuity of a retired member who served as prosecuting attorney of a first  
13 or second class county or as circuit attorney of a city not within a county shall be equal to fifty  
14 percent of the final average [compensation] **salary**.

15 3. The normal annuity of a retired member who served as a prosecuting attorney of a  
16 county which after August 28, 2001, elected to make the position of prosecuting attorney full  
17 time pursuant to section 56.363 shall be equal to fifty percent of the final average [compensation]  
18 **salary**.

19 4. The actuarial present value of a retired member's benefits shall be placed in a reserve  
20 account designated as a "Retired Lives Reserve". The value of the retired lives reserve shall be  
21 increased by the actuarial present value of retiring members' benefits, and by the interest earning  
22 of the total fund on a pro rata basis and it shall be decreased by payments to retired members and  
23 their survivors. Each year the actuary shall compare the actuarial present value of retired  
24 members' benefits with the retired lives reserve. If the value of the retired lives reserve plus one  
25 year's interest at the assumed rate of interest exceeds the actuarial present value of retired lives,  
26 then distribution of this excess may be made equally to all retired members, or their eligible

27 survivors. The distribution may be in a single sum or in monthly payments at the discretion of  
28 the board on the advice of the actuary.

488.026. As provided by section 56.807, RSMo, there shall be assessed and collected  
2 a surcharge of four dollars in all criminal cases filed in the courts of this state, including  
3 violations of any county ordinance or any violation of criminal or traffic laws of this state,  
4 including infractions, **or against any person who pled guilty and paid a fine through a fine**  
5 **collection center**, but no such surcharge shall be assessed when the costs are waived or are to  
6 be paid by the state, county, or municipality or when a criminal proceeding or the defendant has  
7 been dismissed by the court [or against any person who has pled guilty and paid their fine  
8 pursuant to subsection 4 of section 476.385, RSMo]. For purposes of this section, the term  
9 "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible  
10 for collecting court costs in criminal cases shall collect and disburse such amounts as provided  
11 by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and  
12 circuit attorneys' retirement fund.

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